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JOHN F. DAVIS, C

IN THE

Supreme Court of the United States

October Term, 1962.

No. 453.

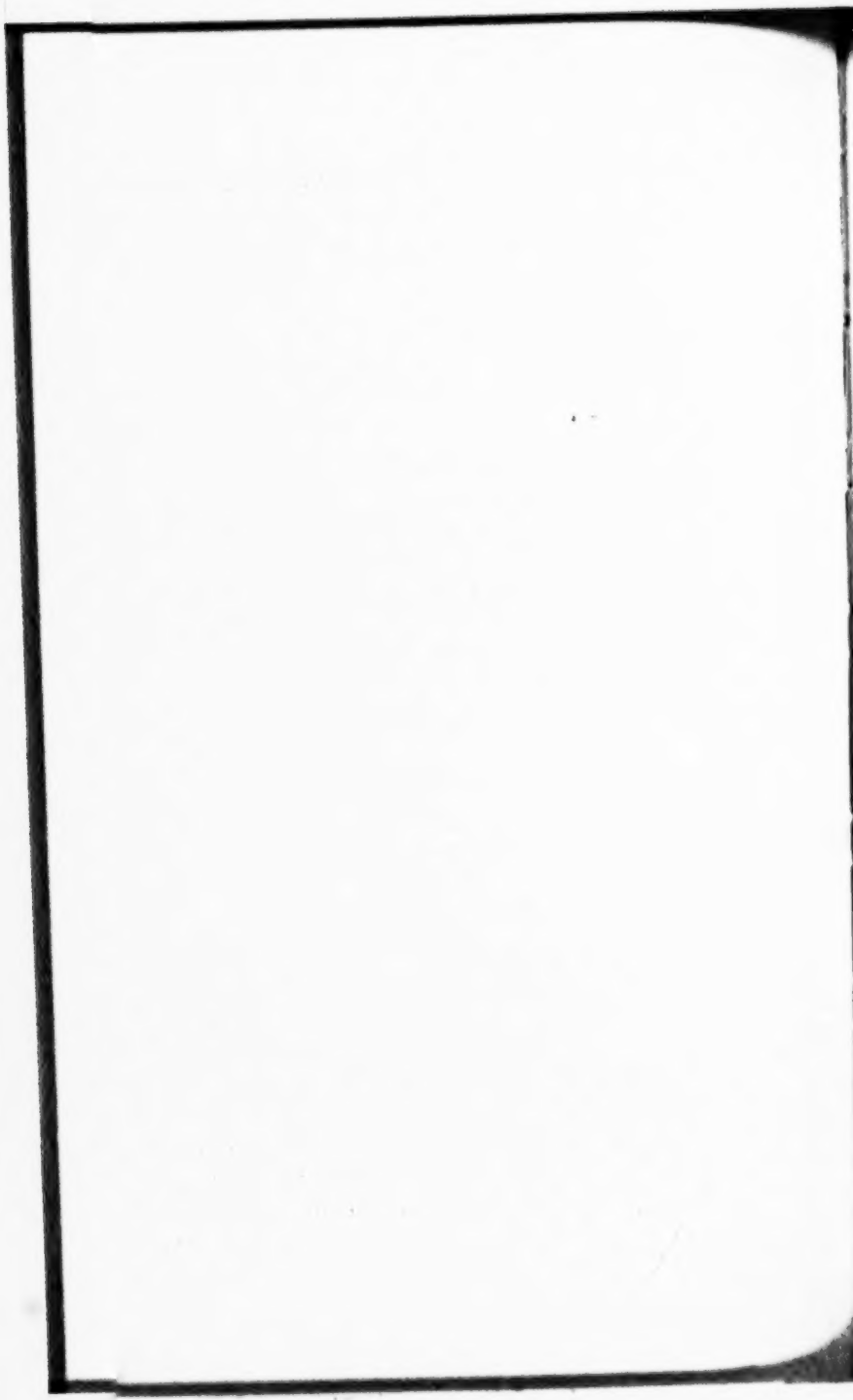
PETITION OF THE COMMITTEE OF CENSORS OF THE PHILADELPHIA BAR ASSOCIATION IN RE: HARRY J. ALKER, JR.

Harry J. Alker, Jr., Petitioner.

PETITION FOR REHEARING.

JAMES J. REGAN, JR.,
115 Edgehill Road,
Bala-Cynwyd, Pa.,
ROBERT M. TAYLOR,
2215 Land Title Building,
Philadelphia 10, Pa.,
Attorneys for Petitioner.

International, 711 So. 50th St., Phila. 43, Pa.



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HARRY J. ALKER, JR.,

Petitioner.

PETITION FOR ALLOWANCE OF WRIT OF CERTIORARI BY HARRY J. ALKER, JR., TO REVIEW THE JUDGMENT OF THE UNITED STATES COURT OF APPEALS, THIRD CIRCUIT, AT No. 13,900, AFFIRMING THE JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA AT MISC. No. M-2060.

PETITION FOR REHEARING.

Your petitioner, Harry J. Alker, Jr., prays that this Court rehear and reconsider its denial of this petitioner's petition for the issuance of a Writ of Certiorari to review the decision of the Court of Appeals for the Third Circuit in the above matter.

Your petitioner on Sept. 22, 1962, filed a petition for the issuance of a writ of certiorari to review the decision of the Court of Appeals for the Third Circuit which confirmed a decree entered by the District Court without a hearing disbarring the Appellant who had been a member of the Court for many years and which had refused to permit Appellant to present further testimony materially contradicting

the alleged facts upon which the Orphans' Court had based its finding or to give him a full and complete hearing before the Court when he could confront his accusers and present his defense case.

Appellant stood ready, and still stands ready, to produce witnesses to disprove the main reasons assigned in the State Court for disbarment.

The main reason assigned was alleged evasion of income taxes. This matter, civilly, is on appeal before the Tax Court and has not yet been decided, but should shortly be heard by the Tax Court.

Another reason was a complaint by one woman, Mrs. Shekerjian. We will show at a hearing that there was nothing basic to her complaint, that she discovered that herself, and endeavored to get leave of Court to withdraw same and beg the forgiveness of Appellant.

There were also other minor charges, all of which could be answered in a hearing.

Appellant contends that in a hearing he would have been able to answer all the charges and show there was nothing that justified his disbarment.

The main reason in the State Court was the alleged individual income tax matter. For the first time, to petitioner's knowledge, the Orphans' Court found that evasion of income tax constituted moral turpitude. It was never before so held in Pennsylvania. In most states it is not so held. Appellant denies the charge that he committed any fraud with intent to evade payment of income taxes. A hearing would have proven this and he believes that the same will be proven at his hearing before the Tax Court of the United States.

"Equal justice" petitioner submits requires that he should have a full and complete hearing by the District Court.

The law, so far as it relates to membership in the Bar of your Honorable Court, should be the same for a citizen of every state in the Union. They should all have equal

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rights and be treated the same. Otherwise there is not equal law.

Where there is a conflict of decisions in the various State Appellate Courts then in such cases a petitioner (such as the one herein) should be allowed a full and complete hearing on all the facts and circumstances of the matters before a District Court. The state courts which hold that conviction for alleged evasion of personal Federal income taxes does not involve moral turpitude and is not a ground for disbarment are in the vast majority throughout the United States, and, in the interest of uniformity in Federal doctrine, they should be followed in our U. S. courts. Hence, uniformity of Federal doctrine on disbarment proceedings requires a review by Certiorari in this case.

WHEREFORE, your petitioner prays that in the interest of a uniform Federal doctrine relating to disbarments from the bars of our U. S. courts, as well as for correction of the denial of a fair and full hearing under Due Process of law by the learned courts below, your honorable Supreme Court should grant the re-hearing requested herein, and should allow the Writ of Certiorari to review the paucity of and the patent errors in, the judgments of the U. S. courts below.

All of which is respectfully submitted by

HARRY J. ALKER, JR.,
Petitioner,
1505 Land Title Building,
Philadelphia 10, Pa.,

ROBERT M. TAYLOR,
2215 Land Title Bldg.,
Philadelphia 10, Pa.,

JAMES J. REGAN, JR.,
115 Edgehill Road,
Bala-Cynwyd, Pa.,
Attorneys for Petitioner.

IT IS HEREBY CERTIFIED that this petition is presented in good faith, and not for purposes of delay, and is restricted to the grounds specified, viz.: to obtain a uniformity of Federal rule on all disbarments and to assure petitioner proper notice and a full hearing under Due Process of law.

JAMES J. REGAN, JR.,
Attorney for the Petitioner.